

1 THE HONORABLE THOMAS S. ZILLY
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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

9 KELLY J. FOLEY,
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Plaintiff,

No. C09-1549Z

12 VS.

ORDER

13 ACCOUNTS RETRIEVABLE SYSTEM,
14 INC. AND JOHN J. MITCHELL DBA THE
15 LAW OFFICE OF JOHN J. MITCHELL,

16 Defendants.

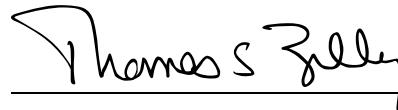
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18 THIS MATTER comes before the Court on defendant The Accounts
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20 Retrievable System, Inc.'s motion to dismiss, docket no. 13. The motion indicates that
21 the parties have reached a settlement of this matter, but that plaintiff Kelly J. Foley has
22 not taken steps to perfect the settlement. In a subsequent submission, defendant
23 advised the Court that the parties had executed a settlement agreement, but that
24 defendant seeks attorney fees for having to file the earlier motion to dismiss.
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26 Defendant's counsel, however, did not provide any billing statements or other

1 documents to support the request for attorney fees. In addition, no copy of the
2 executed settlement agreement has been provided to the Court. No opposition to
3 defendant's motion having been filed, the Court hereby:
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- 5 (1) DISMISSES this case with prejudice and without costs;
- 6 (2) DENIES defendant's request for attorney fees; and
- 7 (3) DIRECTS the Clerk to CLOSE this case and to send a copy of this Order
8 to all counsel of record.

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10 IT IS SO ORDERED.

11 DATED this 8th day of November, 2010.

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15 Thomas S. Zilly
16 United States District Judge
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